

Billy E. Womack – *Pro-Se*  
c/o Ronald Hoffman  
7400 Branche Drive #2  
Anchorage, AK 99518  
702-849-4469  
[womackbilly@ymail.com](mailto:womackbilly@ymail.com)

**In the Supreme Court for the State of Alaska**

**Billy Eugene Womack,** )  
Appellant, )  
 )  
v. )  
 )  
**Gina M. Jones, Tarri Harrold-** )  
**Jones and Darryl L. Jones,** )  
Appellees. )

Supreme Court No. S-17991

**SUPPLEMENTED AMENDED**

**For Motion to Amend Points on Appeal**

\_\_\_\_\_  
Superior Case No. 3PA-14-02780 CI

I, Billy E. Womack, give notice that I am amending the appeal previously filed in the above captioned case for the Superior Court final Judgement entered on 05/24/2021.

**STATEMENT OF POINTS**

I am appealing because the Superior Court made a mistake by deciding:

- a) That Gina Jones should be allowed a month of summer visitation without the responsibility of parenting;
- b) That Darryl and Tarri Jones are fit and legally allowed to have a month of visitation when it was not formally requested of the court by way of pleadings, and disregarding the previous domestic violence that had occurred prior to the filing of the Motion to Modify;

- c) This court failed to recognize that Darryl and Tarri were removed as Supervisors;
- d) This court has failed to recognize that Darryl and Tarri are illegally entered into this matter;
- e) This court fails to recognize previous domestic violence and continued neglect that has occurred upon the child while in Gina, Darryl and Tarri's care.

**I have filed the following documents with this Statement:**

A completed –

- a. Docketing Statement A, including a list of the parties to the appeal;
- b. 1 copy of the Superior Court's *Final Order or Judgment* that I am appealing;
- c. Amended Designation of Transcript,
- d. *Proof of Service* to all parties to the appeal of this *Notice of Appeal* and all accompanying documents.

Billy E. Womack /s/  
Billy E. Womack

### **CERTIFICATE OF TYPEFACE**

This is to certify that Times New Roman Typeface and 13 point size are used in this document.

### **CERTIFICATE OF SERVICE**

This is to certify that on the 2nd day of June, 2021 a true and correct copy of the foregoing document was caused to be emailed to the following parties of record:

Gina Jones  
Darryl L. Jones at Jones and Associates, LLC

By: Billy E. Womack /s/  
Billy E. Womack

Billy E. Womack – *Pro-Se*  
c/o Ronald Hoffman  
7400 Branche Drive #2  
Anchorage, AK 99518  
702-849-4469  
womackbilly@ymail.com

**In the Supreme Court for the State of Alaska**

**Billy Eugene Womack,** )  
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Appellees. )  
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 )  
 )

Supreme Court No. S-17991

**SUPPLEMENT**

**For Motion to Amend Points on Appeal  
and Designation of Transcript**

\_\_\_\_\_  
Superior Case No. 3PA-14-02780 CI

**DESIGNATION OF TRANSCRIPT**

I, Billy Womack will file in the Supreme Court for the Superior Court trial or hearing  
that happened for every hearing in the matter of 3PA-14-02780CI.

Billy E. Womack /s/  
Billy E. Womack

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Billy E. Womack

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**In the Supreme Court for the State of Alaska**

**Billy Eugene Womack,**  
Appellant,

v.

**Gina M. Jones, Tarri Harrold-  
Jones and Darryl L. Jones,**  
Appellees.

Supreme Court No. S-17991

**SUPPLEMENT**

**For Motion to Amend Points on Appeal  
and Designation of Transcript**

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Darryl L. Jones at Jones and Associates, LLC

By: Billy E. Womack /s/  
Billy E. Womack

# IN THE SUPREME COURT OF THE STATE OF ALASKA

## DOCKETING STATEMENT A For Use in Appeals Under Appellate Rule 204 and 218

**INSTRUCTIONS FOR MULTIPLE PARTIES OR ATTORNEYS:** If there are multiple parties or attorneys, repeat the appropriate box. This may be done on a separate page. Please clearly indicate which attorney represents which party.

(for court system use)

No. \_\_\_\_\_

**1. TYPE OF APPEAL**a. ☐ General Civil Rule Appeal  
(App. Rule 204)b. ☒ Appeal in Child Custody Case  
(App. Rule 218)**2. PARTY FILING APPEAL (Appellant)**

a. Name <b>Billy E. Womack</b>			b. Status in the Trial Court <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant		
c. Party Mailing Address (not attorney's address) <b>7400 Branche Drive #2</b>			<input type="checkbox"/> Other. Specify: _____		
City <b>Anchorage</b>	State <b>AK</b>	Zip Code <b>99518</b>	d. Telephone		

**3. APPELLANT'S ATTORNEY**

a. Name			b. Bar Number		
c. Attorney Mailing Address			d. Telephone	e. Fax	
City	State	Zip Code	f. Firm/Agency		

**4. PARTY APPEALED AGAINST (Appellee)** [All parties in the trial court when the final order/judgment were entered are appellees and must be listed if they did not file a notice of appeal. AR 204(b)(1) & (g).]

a. Name <b>Gina M. Jones</b>			b. Status in the Trial Court <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		
c. Party Mailing Address <b>7700 Sapphire Road</b>			<input type="checkbox"/> Other. Specify: _____		
City <b>Palmer</b>	State <b>AK</b>	Zip Code <b>99645</b>	d. Telephone		

**5. APPELLEE'S ATTORNEY**

a. Name			b. Bar Number		
c. Attorney Mailing Address			d. Telephone	e. Fax	
City	State	Zip Code	f. Firm/Agency		

**6. SUPERIOR COURT PROCEEDING**

a. Case No. <b>3PA-14-02780CI</b>			b. Superior Court Judge <b>Jonathan Woodman/Craig Conde</b>			c. Date Judgment Distributed <b>05/24/2021</b>			
d. Post-Judgment Motions: List all post-judgment motions that affect time for filing appeal. See Appellate Rule 204(a)(3).									
DATE OF FILING			Type of Post-Judgment Motion				DATE ORDER DISTRIBUTED		
Month	Day	Year					Month	Day	Year
06	02	2021	Masters Report				05	24	2021
06	02	2021	Order				05	24	2021

**7. CONSTITUTIONAL ISSUES**

Is the constitutionality of a state statute or regulation at issue in this appeal?

☒ Yes☐ NoIf yes, cite statute or regulation: **14th Amendment- Judgment AS\*\*, DV AS\*\*, Merrill Factors AS\*\*, Judicial Canon\*\*, BR\*\***



## 8. FINALITY OF JUDGMENT OR ORDER BEING APPEALED

- a. The judgment or order being appealed is final and disposes of **ALL** claims by **ALL** parties. (The judgment or order is final under City and Borough of Juneau v. Thiboudeau 595 P.2d 626 (AK 1979).)
- b. ☒ The judgment or order being appealed does not dispose of all claims by all parties but is final under Civil Rule 54(b). (The trial court's Civil Rule 54(b) order must be attached.)
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## 9. ATTACHMENTS

The following items are submitted with this form (except that cross-appellants need not submit item a.):

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- ☐ an employee appealing denial of benefits under AS 23.20 (Employment Security Act)
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- e. Designation of transcript ☒ submitted ☐ not submitted (no transcript being requested) ☐ motion to extend submitted

06/02/2021

Date

Billy E. Womack /s/

Signature of Appellant or Appellant's Attorney

## CERTIFICATE OF SERVICE

I certify that on 06/02/2021 a copy of the notice of appeal, this docketing statement, and all attachments (except filing fee and cost bond) were

E mailed ☒ delivered ☐ to All Parties (listed)

Gina M. Jones mailing

Tarri Harrold-Jones

Darryl L. Jones

Signature: Lisa R. Womack

## FILING INSTRUCTIONS

File original docketing statement and notice of appeal with all attachments listed in #9 and ONE copy of ALL except filing fee and cost bond.

# IN THE SUPREME COURT OF THE STATE OF ALASKA

## DOCKETING STATEMENT A For Use in Appeals Under Appellate Rule 204 and 218

**INSTRUCTIONS FOR MULTIPLE PARTIES OR ATTORNEYS:** If there are multiple parties or attorneys, repeat the appropriate box. This may be done on a separate page. Please clearly indicate which attorney represents which party.

(for court system use)

No. \_\_\_\_\_

**1. TYPE OF APPEAL**a. ☒ General Civil Rule Appeal  
(App. Rule 204)b. ☐ Appeal in Child Custody Case  
(App. Rule 218)**2. PARTY FILING APPEAL (Appellant)**

a. Name Billy E. Womack			b. Status in the Trial Court <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant		
c. Party Mailing Address (not attorney's address) 7400 Branche Drive #2			<input type="checkbox"/> Other. Specify: _____		
City Anchorage	State AK	Zip Code 99518	d. Telephone 702-849-4469		

**3. APPELLANT'S ATTORNEY**

a. Name			b. Bar Number		
c. Attorney Mailing Address			d. Telephone	e. Fax	
City	State	Zip Code	f. Firm/Agency		

**4. PARTY APPEALED AGAINST (Appellee)** [All parties in the trial court when the final order/judgment were entered are appellees and must be listed if they did not file a notice of appeal. AR 204(b)(1) & (g).]

a. Name Tarri Harrold-Jones			b. Status in the Trial Court <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		
c. Party Mailing Address 7700 Sapphire Road			<input checked="" type="checkbox"/> Other. Specify: Intervenor		
City Palmer	State AK	Zip Code 99645	d. Telephone 907-746-9851		

**5. APPELLEE'S ATTORNEY**

a. Name Darryl L. Jones			b. Bar Number 8811188		
c. Attorney Mailing Address 111 Evergreen Avenue			d. Telephone 907-746-9851	e. Fax 907-278-1213	
City Palmer	State AK	Zip Code 99645	f. Firm/Agency Jones & Associates, LLC		

**6. SUPERIOR COURT PROCEEDING**

a. Case No. 3PA-14-02780CI			b. Superior Court Judge Jonathan A. Woodman			c. Date Judgment Distributed 05/24/2021			
d. Post-Judgment Motions: List all post-judgment motions that affect time for filing appeal. See Appellate Rule 204(a)(3).									
DATE OF FILING			Type of Post-Judgment Motion				DATE ORDER DISTRIBUTED		
Month	Day	Year					Month	Day	Year
06	02	2021	Masters Report				05	24	2021
06	02	2021	Order				05	24	2021

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 If yes, cite statute or regulation: 14th Amendment - Judgment AS\*, DV AS\*, Merrill Factors AS\*, Judicial Canon\*

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- e. Designation of transcript ☒ submitted ☐ not submitted (no transcript being requested) ☐ motion to extend submitted

06/02/2021  
Date

Billy E. Womack /s/  
Signature of Appellant or Appellant's Attorney

## CERTIFICATE OF SERVICE

I certify that on 06/02/2021 a copy of the notice of appeal, this docketing statement, and all attachments (except filing fee and cost bond) were

mailed	delivered	to All Parties (listed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Gina M. Jones + mailing</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Tarri Harrold Jones</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Darryl L Jones</u>
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Signature: Sara R. Womack

## FILING INSTRUCTIONS

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# IN THE SUPREME COURT OF THE STATE OF ALASKA

## DOCKETING STATEMENT A

**For Use in Appeals Under Appellate Rule 204 and 218**

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a. ☒ General Civil Rule Appeal  
(App. Rule 204)

b. ☐ Appeal in Child Custody Case  
(App. Rule 218)

### 2. PARTY FILING APPEAL (Appellant)

a. Name <b>Billy E. Womack</b>			b. Status in the Trial Court <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant		
c. Party Mailing Address (not attorney's address) <b>7400 Branche Drive #2</b>			Other. Specify: _____		
City <b>Anchorage</b>	State <b>AK</b>	Zip Code <b>99518</b>	d. Telephone <b>702-849-4469</b>		

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a. Name			b. Bar Number		
c. Attorney Mailing Address			d. Telephone	e. Fax	
City	State	Zip Code	f. Firm/Agency		

### 4. PARTY APPEALED AGAINST (Appellee) [All parties in the trial court when the final order/judgment were entered are appellees and must be listed if they did not file a notice of appeal. AR 204(b)[1] & (g).]

a. Name <b>Darryl L. Jones</b>			b. Status in the Trial Court <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		
c. Party Mailing Address <b>7700 Sapphire Road</b>			Other. Specify: <b>Intervenor</b>		
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<b>06</b>	<b>02</b>	<b>2021</b>	<b>Masters Report</b>			<b>05</b>	<b>24</b>	<b>2021</b>
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06/02/2021  
Date

Billy E. Womack  
Signature of Appellant or Appellant's Attorney

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Emailed	delivered	to All Parties (listed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Gina M. Jones mailing</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Tarri Harrold-Jones</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Darryl L. Jones</u>
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Signature: Lisa R. Womack

## FILING INSTRUCTIONS

File original docketing statement and notice of appeal with all attachments listed in #9 and ONE copy of ALL except filing fee and cost bond.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT PALMER

Gina Marie Jones,	)
Plaintiff,	)
	)
v.	)
	)
Billy Eugene Womack,	)
Defendant,	)
	)
v.	)
	)
Tarri Harrold-Jones and Darryl L.	)
Jones,	)
Intervenors.	)
	)

3PA-14-2780CI

**MASTER'S REPORT AND ORDER**

On April 22, 2021 the court, Master Condie, held a hearing about Gina's Motion to Modify Custody, filed October 14, 2020; and Gina's Motion for Order to Show Cause and Sanctions, filed January 12, 2021. Gina's Motion to Modify Custody should be DENIED, in part. There has been a substantial change in circumstances because Billy left state. However, it would not be in the child's best interests for Gina to have primary physical custody. A workable visitation plan needs to be put into place so that Gina can rebuild her relationship with the child.

Gina's Motion for Order to Show Cause and Sanctions should be DENIED. There is not enough evidence that Billy willfully violated the court order such that a contempt finding and sanctions are appropriate.

**Background Summary**

Gina and Billy are the parents of one minor child: Owen (age 14). Under the Divorce Decree, dated October 25,

2018, Billy has primary physical custody and the parents have joint legal custody. Gina's visitation has changed a few times since then because Billy left the state, returned, and then left again. Billy and Owen have not maintained consistent contact with Gina since the divorce, and she has had very little in-person time with Owen since then.

Gina requested primary physical custody so that she could maintain a relationship with Owen. She asserted that Billy does not support that relationship. Billy argued that it would not be good for Owen to live with Gina due to Gina's substance abuse issues. He also argued that whether to communicate or see Gina should be Owen's decision, and Owen would prefer not to have much contact with Gina.

Below is a short summary of the master's findings and recommendations. The master made more detailed findings at the end of the April 22, 2021 hearing.

#### **Custody**

There has been a substantial change in circumstances, but it would not be in Owen's best interests for Gina to have primary physical custody. Billy left state since the last custody and visitation order. This constitutes a substantial change in circumstances. Custody modification is governed by the application of AS 25.20.110. A modification of child custody may occur if the court determines that a change in circumstances requires the modification of the award and the modification is in the best interests of the child. The change in circumstances must be substantial. See *Barrett v. Alguire*, 35 P.3d 1 (Alaska 2001).

When the change in circumstances is based on a parent

moving out of state, the court must first determine whether the reasons for a custodial parent moving out of state are legitimate, i.e. not motivated by a desire to make visitation more difficult for the other parent. See *Moeller-Prokosch v. Prokosch*, 53 P.3d 152 (Alaska 2002). The court must then determine, as if the move had already taken place, whether it is in the best interests of the child to remain with the custodial parent. *Id.*

It does not appear that Billy's move out of state was motivated by a desire to make visitation more difficult. Billy's work is more about pursuing projects where he can make money rather than steady employment. This has enabled him to earn a good living to support himself and Owen.

It would not be in Owen's best interests for Gina to have primary physical custody. When determining the best interests of the child, the court shall take into account all relevant factors, enumerated in AS 25.24.150(c). A court must consider each factor in making its decision, but need not explain each factor in its discussion, only those most relevant. *Park v. Park*, 986 P.2d 205, 207 (Alaska, 1999).

Gina has significant substance abuse issues that have interfered with her ability to provide a safe environment for Owen. This includes numerous arrests and a felony conviction over the past several years. Gina still appears to be struggling with those issues. She is not able to provide a safe, stable, and appropriate environment for Owen. Billy provides a safe and appropriate environment. He has moved with Owen several times in recent years, but Owen is thriving in Billy's care.

#### **Parenting Time (Visitation)**



It would be in Owen's best interests for Gina to have significant, in-person contact with him. It is very important for a child's long-term well-being for him to have a meaningful relationship with both parents. This is true even if one parent has significant personal issues. Further, there is a safe way of structuring visitation. Third party intervenors Darryl Jones and Tarri Harold-Jones are Owen's grandparents, and live in the Valley near Gina. They have a generally good relationship with Owen. They are also committed to ensuring that any contact between Gina and Owen be safe and appropriate.

Billy objected to requiring Owen to fly to Alaska for visitation unless Owen decides he wants to. The court conducted an *in camera* interview with Owen to hear his preference, and decide how much weight to give that preference. Owen does not want to come to Alaska this summer. His preference is a combination of both more mature, and less mature, reasons. On the more mature side, there is a history of Owen being in bad situations while in Gina's care. He also does not always get along well with his grandparents. On the less mature side, Owen seems to take a black and white view towards his relationship with Gina. He does not have the life experience to appreciate that a relationship can have a bad history, still have challenges, but can be mended. He also does not appreciate the importance of having a meaningful relationship with his mother. It also appears likely that Owen is picking up on Billy's dismissive attitude towards Gina's role in Owen's life. Therefore, Billy's preference should go towards length of visitation, but not whether it takes place.

Owen should come to Alaska for four weeks each summer to stay with Darryl and Tarri, and to have significant time

with Gina. He should also come to Alaska for half of winter break each year: first half (including Christmas) in odd years, and last half (not Christmas) in even years. The parents should alternate spring break, with Gina having even years. All travel costs should be divided in half. Specifically, the receiving parent should be responsible for purchasing airfare.

The recommendation for four weeks of visitation in the summer reflects a balancing of the competing considerations discussed above. It is extremely important for Owen to come to Alaska and spend time with Gina. However, forcing him to stay for nine or ten weeks, as we often do for children living out-of-state, is pressing our luck with creating a positive experience for Owen.

Owen should fly to Alaska on July 12, 2021 and return to his father on August 9, 2021. Because Billy expressed some concern about getting Owen on the plane, the court set a status hearing on July 13, 2021 at 8:30 a.m. for fifteen minutes. This should be a straightforward hearing simply confirming that Owen is now in Alaska. If Owen is not in Alaska, Billy should be prepared to provide testimony as to why sanctions would not be appropriate. The court would then consider what future actions, including possible sanctions, were appropriate to ensure that Gina has visitation. In following years, the parents should use those same dates, unless they agree on different dates in writing.

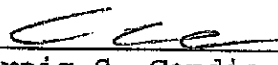
#### **Order to Show Cause**

Gina's request to impose sanctions on Billy for allowing Owen access to court information and discussing the case with him should be denied. Gina did not present

much evidence on this point at the hearing. However, it does not appear that when Billy linked his phone account with Owen that it was a willful effort to inappropriately communicate to Owen about the case. There is also not compelling evidence that Owen's detailed knowledge of Gina's criminal issues comes from Billy, rather than Owen's own online research.

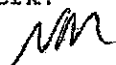
All parties have ten days from the date of distribution of this order to file any objections to the findings and recommendations in this Master's Report. After ten days, the file will go to the Superior Court Judge for review and a final order.

Dated: 5/24/21.

  
Craig S. Condie  
Superior Court Master

I certify that on 5/24/21  
a copy of this order was mailed/delivered  
to:

Gina Jones - via mail  
Billy Womaek - via email  
Clerk: D. Jones - via email



#### ORDER

The Master's Report is ADOPTED/MODIFIED/REJECTED. It is hereby ordered that:

1. Gina's Motion to Modify Custody, filed October 14, 2020 is DENIED, in part. Gina's Motion for Order

to Show Cause and for Sanctions, filed January 12, 2021 is DENIED.

2. Billy will retain primary physical and the parents will continue to have joint legal custody of Owen.

3. Owen will fly to Alaska on July 12, 2021 and return to his father on August 9, 2021. He will also come to Alaska for half of winter break each year: first half (including Christmas) in odd years, and last half (not Christmas) in even years. The parents will alternate spring break, with Gina having even years. All travel costs will be divided in half. Specifically, the receiving parent will be responsible for purchasing airfare.

4. Owen will stay with Darryl Jones and Tarri Harold-Jones while in Alaska for all these visits.

5. Other:

Dated:\_\_\_\_\_.

\_\_\_\_\_  
Jon Woodman  
Superior Court Judge

I certify that on  
a copy of this order was mailed/delivered  
to:

Clerk: